

EXHIBIT A

1

Defendant Scott & Associates, P.C., may be served with process through its registered agent, NATIONAL REGISTERED AGENTS, INC., 1999 BRYAN ST., STE. 900 DALLAS, TX 75201.

DISCOVERY LEVEL, VENUE, JURISDICTION

1. Plaintiff intends to conduct discovery under a Level Two Control Plan.
2. Per Texas Rule of Civil Procedure 47, Plaintiff claims monetary relief of over \$500.00 but not more than \$250,000.00, and nonmonetary relief.
3. Venue is proper in this Court, pursuant to Tex. Civ. Prac. & Rem. Code §§ 15.002(a)(1).

FACTUAL ALLEGATIONS

4. At all times relevant to this claim, Griffith was a “consumer” as that term is defined in the Texas Debt Collection Act (“TDCA”), Tex. Fin. Code § 392.001(1), and the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692(a).
5. At all times relevant to this claim, Scott was both a “debt collector” and a “third party debt collector” as those terms are defined in the TDCA §§ 392.001(6), (7) and a “debt collector” as that term is defined in the FDCPA § 1692(a).
6. At all times relevant to this claim, Navient Credit Finance Corp. was a “furnisher of information” to the credit bureaus as that term is described in the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681s–2.
7. The claims in this lawsuit arose from Navient Credit Finance Corp.’s and Scott’s illegal attempts to collect a student loan consumer debt from Griffith, in the alleged amount of \$4658.32, Scott reference number 2436841 (the “alleged debt”).

8. Since on or about September 2022, Defendant Navient Credit Finance Corp. knows, or should have known, that Griffith is represented by an attorney with respect to the alleged debt.
9. Nonetheless, on or about July 2023 Defendant Navient hired a debt collection law firm, Defendant Scott & Associates, P.C. ("S&A") to collect the alleged debt directly from Griffith rather than communicate with Griffith's attorney.
10. Defendant S&A also knows, or should know, that Griffith is represented by an attorney with respect to his Navient-serviced student loan debts.
11. Nonetheless, on or about July 12, 2023, S&A attempted to collect the account directly from Griffith, rather than communicate with Griffith's attorney, in violation of the FDCPA 1692c(a)(2).
12. S&A's attempts to collect the account, by ignoring Griffith's counsel and communicating with Griffith directly, also represent the latest of numerous instances in the past year whereby Navient has attempted an end-run around Griffith's counsel.
13. Furthermore, Navient is reporting the alleged debt incorrectly on Griffith's credit reports, reporting ten accounts with tradelines containing misinformation on dates, payments, and some incorrectly labeled as "settled."
14. On or about June 2, 2023, September 20, 2023, and October 11, 2023, Griffith filed disputes with the credit bureaus regarding Navient's incorrect credit reporting, as described herein.
15. Navient's incorrect credit reporting has caused significant damage to Griffith's credit score, resulting in lowered credit limits and increased costs to access credit.

CAUSES OF ACTION

COUNT I

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT (“FDCPA”), 15

U.S.C. § 1692 *et seq.*

(as to Defendant Scott & Associates, P.C. only)

16. Griffith incorporates the preceding paragraphs as if set forth at length.
17. Defendant Scott violated the FDCPA 1692c(a)(2) by attempting to collect the alleged debt by directly communicating with Griffith when Defendant Scott knew, or should have known, that Griffith was represented by counsel as to the alleged debt.
18. As a result of Scott’s violations of the FDCPA, Griffith is entitled to statutory damages of \$1,000.00; actual damages according to proof; and reasonable attorney fees.

COUNT II

VIOLATION OF THE TEXAS DEBT COLLECTION ACT (“TDCA”),

TEX. FIN. CODE §392 *et seq.*

(as to Defendant Scott & Associates, P.C.)

19. Griffith incorporates the preceding paragraphs as if set forth at length.
20. Scott violated the TDCA § 392.304a(19) by attempting to collect the alleged debt from Griffith even though Scott knew, or should have known, that Griffith was represented by an attorney with respect to the alleged debt.
21. As a result of Scott’s violations of the TDCA, Griffith entitled to an order directing Scott to permanently cease collection activity on the alleged debt, pursuant to TDCA §392.403(a)(1); actual damages pursuant to TDCA § 403(a)(2); and reasonable attorney fees pursuant to TDCA § 392.403(c).

COUNT III

VIOLATIONS OF THE FAIR CREDIT REPORTING ACT ("FCRA"),
15 U.S.C. § 1681 et seq.
(as to Defendant Navient Credit Finance Corp.)

22. Plaintiff incorporates the preceding paragraphs as if set forth at length.
23. Beginning on or about June 2, 2023, and continuing to the present, Defendant Navient Credit Finance Corp. has knowingly reported inaccurate information about the alleged debt to the credit bureaus.
24. Navient Credit Finance Corp., as a furnisher of information to the credit bureaus, violated the FCRA § 1681s-2[b], by failing to supply accurate and truthful information to the credit bureaus about the alleged debt.
25. Defendant Navient Credit Finance Corp.'s actions, as described herein, were done willfully and/or intentionally.
26. As a result of each Defendant Navient Credit Finance Corp.'s violations of the FCRA, Plaintiff is entitled to an award of actual damages (or statutory damages of no less than \$100.00 and no more than \$1000.00); and attorney fees and costs, pursuant to the FCRA § 1681n(a)(1).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Denis Griffith prays that this Court enter judgment in his favor and against Defendants as follows:

- a. As to Defendant Navient Credit Finance Corp., award Plaintiff actual damages (or statutory damages of no less than \$100.00 and no more than \$1000.00), and attorney fees and costs incurred, pursuant to the FCRA § 1681n(a)(1);

- b. enter an order enjoining Defendant Scott & Associates, P.C from engaging in any further collection activities on this alleged debt, the injunction being authorized by the TDCA §392.403;
- c. As to Defendant Scott & Associates, P.C., award Griffith attorney fees and costs of court, pursuant the TDCA § 392.403;
- d. As to Defendant Scott & Associates, P.C., award Griffith statutory damages of \$1,000.00, actual damages according to proof, and attorney fees and costs of court, pursuant to the FDCPA § 1692k;
- e. Award Griffith any other relief to which he may be entitled, in law or in equity.

Respectfully Submitted,

Zimmer & Associates, A Law Firm
1108 Lavaca Street, Suite 110-187
Austin, Texas 78701
Telephone/Fax: (512) 434-0306
zimmerlawTX@gmail.com

/s/ Robert Zimmer
By: Robert Zimmer
State Bar No. 24098662

**ATTORNEY FOR PLAINTIFF,
DENIS GRIFFITH**

Filed: 3/18/2024 1:50 PM
Dyana Limon-Mercado
Travis County Clerk
C-1-CV-24-001171
Cathalina Makekau

NO. C-1-CV-24-001171

DENIS GRIFFITH,
Plaintiff

IN THE COUNTY COURT

VS.

AT LAW, NO. 1

NAVIENT CREDIT FINANCE CORP.,
SCOTT & ASSOCIATES, P.C.,
Defendants

TRAVIS COUNTY, TEXAS

REQUEST FOR CITATIONS

TO THE CLERK OF SAID COURT:

COMES NOW PLAINTIFF Denis Griffith (“Griffith”), requesting a citation for each Defendant named in the above-styled case.

Defendant Navient Credit Finance Corp. is a foreign corporation domiciled in Virginia which does or transacts business in Texas, and which may be served with process through its registered agent, CSC - LAWYERS INC., 211 E. 7TH STREET, SUITE 620, AUSTIN, TX 78701.

Defendant Scott & Associates, P.C., is a Texas professional corporation which may be served with process through its registered agent, NATIONAL REGISTERED AGENTS, INC., 1999 BRYAN ST., STE. 900 DALLAS, TX 75201.

[signature block on next page]

Respectfully Submitted,

Zimmer & Associates
1108 Lavaca Street, Suite 110-187
Austin, Texas 78701
Telephone/Fax: (512) 434-0306
zimmerlawTX@gmail.com

/s/ Robert Zimmer
By: Robert Zimmer
State Bar No. 24098662

**ATTORNEY FOR PLAINTIFF,
DENIS GRIFFITH**

CITATION

THE STATE OF TEXAS

To:
NAVIENT CREDIT FINANCE CORP.
REGISTERED AGENT: CSC - LAWYERS INC.,
211 E. 7TH STREET, SUITE 620
AUSTIN TX 78701

Defendant, in the hereinafter styled and numbered cause:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. **In addition to filing a written answer with the clerk you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.** A copy of the petition accompanies this citation, in cause number C-1-CV-24-001171, styled **DENIS GRIFFITH, Plaintiff VS. NAVIENT CREDIT FINANCE CORP., SCOTT & ASSOCIATES, P.C., Defendant**

Filed in **County Court at Law #2**. Civil and Family Courts Facility, 1700 Guadalupe, Austin, Texas on **February 27, 2024**.

Given under my hand and seal of Dyana Limon-Mercado, County Clerk on **this the 20th day of March, 2024**.

Dyana Limon-Mercado, County Clerk,
Travis County, Texas
1700 Guadalupe St.
Austin, Texas 78701
P.O. Box 149325
Austin, Texas 78714-9325

By Deputy:

C Makekau

Attorney:
ROBERT ZIMMER
1108 LAVACA STREET SUITE 110-187
AUSTIN TX 78701

-----OFFICER'S RETURN-----

Came to the hand on the _____ day of _____, 20____ at _____ o'clock _____ M. Executed at _____ within County of _____ at _____ o'clock _____ M on the _____ day of _____, 20____, by delivering to the within name _____

_____ a true copy of this citation together with the accompanying copy of the petition having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

To certify which witness my hand officially. _____ of _____ County, Texas
Sheriff/Constable/Authorized Person. By _____ FEES PAID \$ _____

CITATION

THE STATE OF TEXAS

To:

**SCOTT & ASSOCIATES, P.C.
REGISTERED AGENT; NATIONAL REGISTERED AGENTS
1999 BRYAN ST., STE. 900
DALLAS TX 75201**

Defendant, in the hereinafter styled and numbered cause:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. **In addition to filing a written answer with the clerk you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.**

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Given under my hand and seal of Dyana Limon-Mercado, County Clerk on **this the 20th day of March, 2024**.

Dyana Limon-Mercado, County Clerk,
Travis County, Texas
1700 Guadalupe St.
Austin, Texas 78701
P.O. Box 149325
Austin, Texas 78714-9325

By Deputy:

C Makekau

Attorney:

**ROBERT ZIMMER
1108 LAVACA STREET SUITE 110-187
AUSTIN TX 78701**

-----OFFICER'S RETURN-----

Came to the hand on the _____ day of _____, 20____ at _____ o'clock _____ M. Executed at _____ within County of _____ at _____ o'clock _____ M on the _____ day of _____, 20____, by delivering to the within name _____

_____ a true copy of this citation together with the accompanying copy of the petition having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

To certify which witness my hand officially. _____ of _____ County, Texas
Sheriff/Constable/Authorized Person. By _____ FEES PAID \$ _____

Page 1

Executed in

Williamson County,

TX on 3/22/2024.

/s/ Corin Johnson

Corin Johnson

+1 (512) 917-0490

Certification Number: PSC-5625

Expiration Date: 9/30/2024

UNOFFICIAL

Exhibit 1a)



Filed: 4/4/2024 12:16 PM
Dyana Limon-Mercado
Travis County Clerk
C-1-CV-24-001171
Brycen Winters

CAUSE NO. C-1-CV-24-001171

DENIS GRIFFITH,
Plaintiff(s),

v.

**NAVIENT CREDIT FINANCE CORP., SCOTT
& ASSOCIATES, P.C.,**

Defendant(s).

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IN THE COUNTY COURT AT LAW NO. 2

OF

TRAVIS COUNTY, TEXAS

RETURN OF SERVICE

I, Briana Pearson, being duly sworn, state:

I am not a party to or interested in the outcome of this suit.

I received the following documents on March 20, 2024, at 2:28 pm. I delivered these documents to SCOTT & ASSOCIATES, P.C. in Dallas County, TX on March 21, 2024 at 1:08 pm at 1999 BRYAN ST., STE. 900, DALLAS, TX 75201 by leaving the following documents with George Martinez who as Intake Specialist at NATIONAL REGISTERED AGENTS is authorized by appointment or by law to receive service of process for SCOTT & ASSOCIATES, P.C..

Citation
Plaintiff's Original Complaint

Hispanic or Latino Male, est. age 25-34, glasses: Y, Black hair, 200 lbs to 220 lbs, 5' 3" to 5' 6".
Geolocation of Serve: <https://google.com/maps?q=32.7845962242,-96.7969559553>
Photograph: See Exhibit 1

Total Cost: \$95.00

My name is Briana Pearson, my date of birth is [REDACTED] and my address is 350 N Saint Paul St, Dallas, TX 75201, and USA.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in

Dallas County,

TX on 3/21/2024.

/s/ Briana Pearson

Briana Pearson

+1 (469) 986-5925

Certification Number: PSC-13628

Expiration Date: 2/28/2026

UNOFFICIAL

Exhibit 1a)



Filed: 4/10/2024 12:40 AM
Dyana Limon-Mercado
Travis County Clerk
C-1-CV-24-001171
Cathalina Makekau

CAUSE NO. C-1-CV-24-001171

DENIS GRIFFITH

Plaintiff,

v.

**NAVIENT CREDIT FINANCE CORP,
SCOTT & ASSOCIATES, P.C.**

Defendants.

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IN THE COUNTY COURT

AT LAW NO. 2

TRAVIS COUNTY, TEXAS

SCOTT & ASSOCIATES, P.C. ANSWER & AFFIRMATIVE DEFENSES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant, SCOTT & ASSOCIATES, P.C. (SCOTT), in the above- styled and numbered case, and files this Original Answer and Affirmative Defenses to the Original Petition filed by Plaintiff, DENIS GRIFFITH (Plaintiff), and for its Answer respectfully shows the Court as follows:

I. GENERAL DENIAL

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, SCOTT generally denies each and every allegation contained in Plaintiff's Original Petition and demands strict proof thereof by a preponderance of the evidence.

II. AFFIRMATIVE DEFENSES

Pursuant to the Texas Rules of Civil Procedure, LVNV asserts the following affirmative defenses as authorized by the Texas Rules of Civil Procedure:

- 1) To the extent any violations are established, any such violations were not intentional and resulted from bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.
- 2) SCOTT denies any liability; however, regardless of liability, plaintiff has suffered no actual damages caused by SCOTT's purported violations.
- 3) One or more claims asserted by plaintiff is barred by the statute of limitations, laches, estoppel, waiver and/or unclean hands.
- 4) Any harm suffered by plaintiff was legally and proximately caused by persons or entities other than SCOTT or who were beyond the control or supervision of SCOTT or for whom SCOTT was and is not responsible or liable.
- 5) Assuming plaintiff suffered any damages, he has failed to mitigate his damages or take other reasonable steps to avoid or reduce his damages.
- 6) Plaintiff has failed to state a claim against SCOTT upon which relief may be granted.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, SCOTT & ASSOCIATES, P.C. prays Plaintiff takes nothing by her claims, and for all other relief to which SCOTT & ASSOCIATES, P.C. may be justly entitled.

Respectfully Submitted,

/s/ Steve A Javandoost

Scott & Associates, PC
SBN 24055735
Reviewed and eSigned

Steve A Javandoost
Texas Bar No. 24055379
Scott & Associates, P.C.
P.O. Box 115220
Carrollton, Texas 75011-5220
Telephone: (469) 568-8799
Facsimile: (214) 234-8454
Email: stevej@scott-pc.com
*Attorney for Defendant,
Scott & Associates, P.C.*

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2024, a copy of the foregoing *SCOTT & ASSOCIATES, P.C. Answer & Affirmative Defenses* was filed with the Clerk of the Court, and was served via email on Plaintiff's Counsel at zimmerlawtx@gmail.com.

/s/ Steve A Javandoost

Steve A Javandoost